

## REMARKS

These remarks and the above amendments are responsive to the restriction requirement dated November 10, 2003. In the restriction requirement, the Examiner restricted the above-identified patent application and required election of (1) one of five groups of claims and (2) one of various species for prosecution under 35 U.S.C. § 121. Applicants respond by electing an invention and species, without traverse, as indicated below.

### I. Election of Invention

Applicants hereby elect, without traverse, the invention of **Group I, claims 1-12, 16, and 42-45**, for prosecution in this application. Applicants have canceled the remaining, nonelected claims, 13-15 and 17-41, reserving their right to pursue these claims, with or without amendment, in a continuation application.

### II. Election of Species

Applicants hereby elect, without traverse, the following species for prosecution in this application.

T = protein  
P = polyhistidine  
M = nickel  
L = rhodamine

Here, in the elected species, the polyhistidine is bound to the protein, and the nickel is associated with both the polyhistidine and the rhodamine.

### III. Response to Examiner's Paragraph 6

The Examiner stated that the compounds encompassed by claim 1 are broad enough to encompass T-P-M-L defined for example as glycine-leucine-Na<sup>+</sup>-green

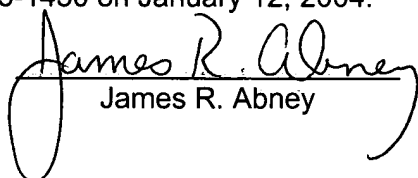
fluorescent protein. In response, applicants request a clarification of this statement, particularly a more complete description of any implicated prior art.

The Examiner also stated that the specification contains no description of the "label" that is attached to "T" in claim 1. In response, applicants indicate that the term "label" refers to the "-P-M-L" that is attached to the "T." This label and the "P," "M," and "L" components thereof are described at length in the specification.

Applicants believe that this communication is fully responsive to the restriction requirement. However, if there are any remaining matters, or if it would otherwise advance prosecution of the application, the Examiner is encouraged to call the undersigned attorney at (503) 224-6655.

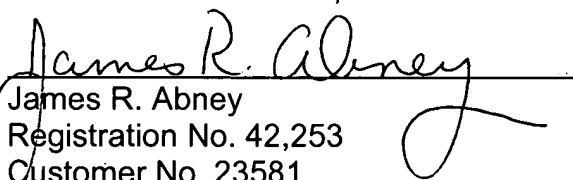
**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on January 12, 2004.

  
James R. Abney

Respectfully submitted,

KOLISCH HARTWELL, P.C.

  
James R. Abney  
Registration No. 42,253  
Customer No. 23581  
Attorney for Assignee  
520 S.W. Yamhill Street, Suite 200  
Portland, Oregon 97204  
Telephone: (503) 224-6655  
Facsimile: (503) 295-6679